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11 IN THE UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 NICHOLAS SOLIS,

17 Defendant.

18 CASE NO. 1:21-CR-00083-ADA-BAM

19 STIPULATION TO VACATE STATUS
20 CONFERENCE AND SET CASE FOR CHANGE
21 OF PLEA AND ORDER THEREON

22 Court: Hon. Barbara A. McAuliffe

23 **STIPULATION**

24 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
25 through defendant's counsel of record, hereby stipulate as follows:

26 1. By previous order, this matter was set for a STATUS CONFERENCE on April 26, 2023.

27 2. By this stipulation, defendant now moves to vacate the status conference and to set the

28 case for a change of plea hearing on June 20, 2023, at 8:30 a.m. before the Hon. Ana de Alba. The
proposed change of plea date represents the earliest date that all counsel are available, taking into
account counsels' schedules, defense counsels' commitments to other clients, and the court's available
dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611,
612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic,
an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have
been encouraged to telework and minimize personal contact to the greatest extent possible.

29 3. The parties agree and stipulate, and request that the Court find the following:

30 a) The discovery associated with this case has been either produced directly to

1 counsel and/or made available for inspection and copying. Counsel for the defendant believes
2 that failure to grant the above-requested continuance would deny him/her the reasonable time
3 necessary for effective preparation, taking into account the exercise of due diligence.

4 b) The government does not object to the continuance.
5 c) Based on the above-stated findings, the ends of justice served by continuing the
6 case as requested outweigh the interest of the public and the defendant in a trial within the
7 original date prescribed by the Speedy Trial Act.
8 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 et seq., within which trial must commence, the time period of April 26, 2023 to June 20, 2023,
10 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results
11 from a continuance granted by the Court at defendant's request on the basis of the Court's
12 finding that the ends of justice served by taking such action outweigh the best interest of the
13 public and the defendant in a speedy trial.

14 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
15 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
16 must commence.

17 IT IS SO STIPULATED.

18 Dated: April 19, 2023

PHILLIP A. TALBERT
United States Attorney

20 By: /s/ JUSTIN J. GILIO
21 JUSTIN J. GILIO
22 Assistant United States Attorney

23 Dated: April 19, 2023

/s/ Yan Shrayberman
24 Attorney for Defendant Uriel Diaz-Santos

ORDER

IT IS SO ORDERED that the status conference set for April 26, 2023, is vacated. A change of plea hearing is set for **June 20, 2023, at 8:30 a.m. before District Judge Ana de Alba**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: April 19, 2023

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE